

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:10-CV-00466

SHEILA M. MEANS, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MICHAEL J. ASTRUE, COMMISSIONER )  
OF SOCIAL SECURITY )  
 )  
Defendant. )  
\_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court upon the Memorandum and Recommendation of United States Magistrate Judge David S. Cayer, filed April 27, 2011 [D.I. 15], Plaintiff's Objection [D.I. 16], and Defendant's Reply [D.I. 17]. The parties were advised that pursuant to 28 U.S.C. § 636(b)(1)(C), written objections to the Memorandum and Recommendation must be filed within fourteen days after service of the memorandum. Plaintiff timely filed an objection and Defendant timely filed a response.

As a preliminary matter, Plaintiff contends that the magistrate failed to allow fourteen days, as provided by LcvR 7.1(E), for Plaintiff to respond to Defendant's Amended Memorandum before entering its Memorandum and Recommendation. However, in accordance with the Social Security Scheduling Order [D.I. 8], Plaintiff was to present all arguments in the Motion for Summary Judgment, without a right of reply. Further, because this Court has conducted a *de novo* review, Plaintiff was able to present these arguments in its Objection, and the Court has given the arguments their full and due consideration.

After an independent and thorough review of the magistrate's memorandum, Plaintiff's objections thereto, and Defendant's response to the objections, the Court concludes that the

recommendation to grant Defendant's Motion for Summary Judgment [D.I. 11] and deny Plaintiff's Motion for Summary Judgment [D.I. 9] is correct and in accordance with law. Accordingly, the findings and conclusions of the magistrate are accepted, and Defendant's Motion for Summary Judgment is **GRANTED**.

Signed: August 8, 2011

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

